

**Minutes of the Carlisle Board of Health
July 17, 2007
Approved 9/25/07**

Present: Board Members Jeffrey Brem; (Chairman), Michael Holland, Bill Risso, Chris Deignan; Absent: Leslie Cahill; also present: Linda Fantasia (Agent); Mary Kate Martelon (Intern), Carol Nathan (PB Liaison), Helen Lyons, Carlisle Mosquito

The meeting was called to order at 7:40 p.m. at the town hall.

MINUTES - It was moved (Risso), seconded (Deignan) and voted to approve the minutes of 6/19/07 as revised. (Yes – Brem, Risso, Deignan. Cahill was absent and Holland had not arrived)

BILLS – It was moved (Risso), seconded (Deignan) and voted to approve the bills as presented. (Yes – Brem, Risso, Deignan. Cahill was absent and Holland had not arrived)

56 BELLOWS HILL ROAD – guest house discussion. Present for the meeting was Jeff Hannaford of Norse Engineering Services. Brem disclosed that Hannaford was his brother-in-law.

Hannaford explained that a barn on the property was used as an office until recently. The owner now would like to renovate the barn as a guest house for family and keep an office space on the second floor. There was never water service to the barn. Employees used the house for restroom facilities. Norse wants to clarify the design flows before submitting a plan. He has spoken with the Building Inspector who said a guest house is allowed as long as there is no kitchen. The house will be inspected annually for compliance. Hannaford said the property could be considered mixed used – as an office and a guest house. The first floor will have three bedrooms, a living room and sitting room. The second floor will have three rooms for a home office. Since there will be no kitchen, Hannaford would like a waiver from the garbage grinder allowance. (Holland arrives).

The existing house has a six bedroom system. The Board reviewed the file and noted that there was a second system. It was used for a previous addition, but it is no longer in use. With twelve rooms in the main house and five in the guest house, there will be a total of seventeen rooms. This would require an eight bedroom system if the owner were to upgrade. Hannaford proposes a separate three bedroom system for the guest house. The Board noted that a home office is not a commercial establishment with employees. The design flows are counted the same as for a single family dwelling. The Board agreed that a three bedroom system would be appropriate. Hannaford will ask for a waiver from the garbage grinder allowance. The Board did not see this as a problem. It will require a public hearing.

48 BINGHAM ROAD – complaint

The Board of Health was asked by the Selectmen to investigate concerns about the septic odors at the above property. Fantasia said that she has been looking into neighborhood concerns about this property since last April. She has been in touch with the landlord by telephone and email on numerous occasions. Risso, Cahill and Bedrosian have also driven by the property on various dates.

The septic system, which consists of a septic tank and a single leaching pit, was installed around 1958. The system was inspected and passed a Title 5 Inspection on 10/9/02. The septic tank was pumped at that time. The inspector noted that the house had been vacant for a short period. The system however appeared to be functioning properly with no signs of a failure criteria. The tank was structurally sound and the soil surrounding the leaching pit was clean with no evidence of breakout. Since the tank had not been pumped since 2002, the Board required the owner to have it pumped. This was done on 6/11/07. No problems were noted. Annual pumping was recommended due to the age and size (750 gallons) of the tank.

The Board has also advised the landlord about the need for regular rubbish removal. The landlord is addressing this with his tenant and is also willing to hire a contractor to take care of any needed repairs to the house. The Board will send a memo to the Selectmen.

265 KIMBALL ROAD – The Board reviewed a request from Mr. and Mrs. Singhal to eliminate the Title 5 Inspection every three years which is a condition of a garbage grinder restriction. The system was installed in 1997. It has a five bedroom design flow capacity. The restriction was recorded in 2004 to allow for an indoor pool and pool area. The system was inspected in 2004 and 2007 and passed. The owners would prefer not to dig up the system every three years. Based on the information provided, the Board thought the request to be reasonable.

It was moved (Risso), seconded (Deignan) and unanimously voted to rescind the garbage grinder deed restriction condition requiring a title 5 Inspection every three years for the soil absorption system at 265 Kimball Road

69 BELLOWS HILL ROAD – addition and room count. Present for the discussion was Sid Levin, owner.

The Building Inspector asked the Board to comment on a possible code violation of a previous Board of Health approval.

The Board had previously approved a family room addition. A wall was to be removed between the dining room and a first floor bedroom, but this was not a requirement since the total room count was in compliance with the septic capacity. Levin explained that the wall was not removed, but the doorway into the bedroom was converted to an arch. This eliminates its use as a bedroom, although it still counts as a room. The house remains in compliance with the septic capacity even with this additional room. The system has a 330 gallon per day capacity which provides for up to eight rooms including three bedrooms. There are currently seven rooms and three bedrooms in the house.

As for the finished room in the basement, the Board agreed that a plan must be submitted to verify compliance with the septic system capacity. As long as the room count does not exceed eight, the house is in compliance. Levin agreed to submit a floor plan of the finished basement room to the Board.

It was moved (Holland), seconded (Risso) and unanimously approved 4:0 to approve a finished room in the basement at 69 Bellows Hill Road and send a letter to the Building Inspector that all title 5 issues have been addressed for the issuance of a building permit.

FERN'S COUNTRY STORE – Brem explained to the audience that the Board was advised by the Building Department that the proposed addition does not require a public restroom and that DEP does not require that the well be reclassified as a public water supply or the soil absorption system upgraded. The Board would like additional clarification from the Building Dept on the term “non-restaurant indoor seating”. The Board wants to make certain that there are no other public health requirements for a public restroom when there is indoor dining.

COLGATE TOOTHPASTE ALERT – DPH is asking every Board of Health to visit store that might sell toothpaste to make sure they are aware of the public health alert. The Board's intern, Mary Kate Martelon, checked with Ferns which does not sell Colgate. Larry Bearfield, manager, submitted a copy of their procedure for following up on food recalls.

EMERGENCY PLANNING – Martelon reported on the status of the Emergency Dispensing Site Plan. Contacts have been updated. There will be an EDS walk through on 7/25/07 at 3:30 with representatives from the police, fire, EMS and state. Another training at the site will be offered to MRC Volunteers in the fall.

NEIGHBORHOOD NETWORKS - Martelon has also been working on a plan which explains how to organize neighborhood networks. She researched nearby towns that have established networks. Concord has over 350 groups. Groups are used in natural disasters such as hurricane and blizzards or for public health emergencies. The plan is very open-ended and each neighborhood can choose how they want to organize. There is no local funding involved, although some groups are self-supporting and accept contributions. Having a network in place will make it easier for town officials during an emergency. The Selectmen had expressed an interest in forming these groups. The Board will ask to meet with the Selectmen in August to gather their support of the project. Cahill and/or Brem will attend with Martelon.

AGENT AUTHORIZATION – Fantasia will prepare wording based on the job description. Brem asked for a copy of the job description.

BOARD GOALS – The Board approved the goals for this year, which they noted were ambitious. The first tasks will be to revise the local septic and well regulations. The Board encouraged meetings of the land use staff and suggested looking into grant funding to make use of GIS in the permitting process. The Board is interested in how it represents itself to the community. An efficient permitting process is very important. The Board agreed that septic plans should have a first review within fourteen days. Fantasia has contacted a few health agents who might be interested in private consulting if reviews start to back up.

CSR DRAFT REVISIONS – the Board discussed what to require on the plans. Frado would prefer to keep the current list as a checklist for designers. Holland does not want to reword Title 5 and would prefer just using Title 5.

The Board then discussed the requirement for high water testing which is required for new construction and voluntary upgrades. Brem said eliminating this requirement would be a big change for Carlisle, but using mottles is just as good in most cases. He is concerned about unnecessary delays for owner that may miss high water testing in March and April. Under the current regulation, they need to wait until the following year. Holland said he would be concerned if mottles were not observed, for example in sandy soils. Although this may not be the typical test hole in Carlisle, it occasionally does happen. Title 5 however provides for other methods including USGS Wells or the Frimptor method. The downside to these methods which are very conservative is a higher mound than might really be necessary. An applicant could still do high water. Carlisle has local monitoring wells which could be used instead of the closest USGS Well. The Board would like Frado to comment on the accuracy of the local monitoring wells for predicting groundwater.

Risso was concerned about eliminating the need for high water testing for new construction. Restricting the testing season helps to manage development. It only applies to new construction which should be pre-planned. It is another tool to manage growth, town resources and protection of groundwater. Brem said that March and April may not be the best months for determining high groundwater. Risso would not object to changing the months. Holland would like to know if observed groundwater results provide better information than the alternative methods. He is fairly confident using mottles. Brem said the type of soil needs to be considered. On the Cape it is all sand, making it difficult to use mottles. Carlisle's geology is tight material or ledge. Mottles can be observed in most deep holes. Holland would prefer using mottles with the five local wells for back up. If mottles are not observed, the applicant could do spring high water testing or use the Frimptor method. He thinks Carlisle may be one of a few towns still using seasonal testing. The Board asked Fantasia to check with other towns.

The Board then addressed setbacks to wetlands. Brem said he had brought the subject to the Conservation Commission. If the Commission had objections, he would have expected a comment by now. The Board is considering staying with Title 5 distances: 50' to leach field, 25' to septic tank. Holland would like to keep larger setbacks for larger systems, but these could be reduced with nitrogen reducing alternative technology.

Another point discussed was the requirement for a garbage grinder allowance in all designs. Holland feels that Title 5 now provides sufficient treatment area based on loading rates. This was not the case twenty years ago when systems only required a minimum sizing. Risso said he is concerned about eliminating too many

of the protections such as setback to wetlands, garbage grinder allowances and high water testing. This may result in more marginal lots being built which puts the safety of the environment at risk. Carlisle is totally dependent on a clean water supply. Well designed septic systems play an important part in protecting the groundwater. Brem said that oversized systems do not necessarily protect the environment. Requiring a 50% additional leaching area for a six bedroom system makes it too large. The system will not function properly. Risso compared septic designs to the approach taken with school buildings in the 1980's which were constrained due to budgets. All of these building now need to be replaced, whereas the older, better built school buildings such as Highland are still standing. This is being short sighted. Brem would consider applying a different rate of gallons per day to provide some additional leaching area. He is mainly concerned about oversizing already large systems which do not necessarily reflect the number of household occupants. Holland said that controlling development is a Planning Board issue. The Board of Health should only be looking at protecting the public health and environment. Brem questioned whether it would be appropriate to only design for the bare minimum. This might results in more failures. Risso would prefer keeping the regulation but offering an incentive with an I/A system that would reduce nitrogen loading.

Holland is inclined to stay with Title 5 setbacks to wetlands but require nitrogen reducing systems for new construction. This would eliminate some impact on wetlands, although they are more affected by phosphates. Brem would agree with a 165 gallon per day requirement, not specifically a garbage grinder allowance. This could be overcome with an I/A system. The Board could also eliminate this requirement for very large systems to avoid oversizing. The Board noted that its regulations limit system size to 5000 gallons for condominiums or shared systems. A groundwater discharge permit is required for systems greater than 10,000 gallons per day. There is no local regulation for systems 5-10,000 gallons per day. The Board agreed to consider a limit per disposal area rather than facility. Holland would prefer not having a variety of design flows for single family homes. The old Title 5 did not allow for adequate design flows for apartment buildings and there were many failures. Holland would prefer looking at the specific groundwater characteristics rather than simply requiring a larger system. For a system greater than 5000 gallons per day, he would like three-dimensional groundwater analysis. . He asked Holland to draft wording on requiring groundwater mounding analysis. Brem does not like the garbage grinder allowance and would prefer setting a rate between 110 and 165 gallons per day

Deignan asked about granting waivers. Risso said historically the policy has been no waivers for new construction. Holland asked about the status of 142 Bedford Road. Fantasia said they had an approved three bedroom system with waivers. Holland noted that the house has been torn down. He questioned why the system approved with waivers to replace a failed system should now be grandfathered for a new house. Title 5 provides for an exception and does not classify a tear down as new construction even though it requires an occupancy permit. The Board considers this a loop hole of which many builders take advantage.

The Board then discussed retaining walls and agreed that a wall is a part of the system. It cannot be changed or modified without Board approval. A note will be added to the plans. A wall over 4.0' in height requires a building permit. The Board also considered bracing for the wall and whether wooden ties are a problem. The Board will check with Frado.

The Board will review a revised draft on 8/21/07 and plans to hold the public hearings in September.

There was no further business. Meeting voted to adjourn at 10:00 p.m.

Respectfully submitted,

Linda Fantasia
Recorder